REMARKS

Claims 1-5 are pending in the present application. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated October 5, 2007.

Examiner Interview

Applicant appreciates the courtesy extended by Examiner Faulk during the telephone interview conducted on October 29, 2007, wherein the Examiner agreed that claims 3 and 4 are allowable. The following remarks focus on the remaining objection to the specification; rejections of claims 1-5 under 35 U.S.C. §112; and rejection of claims 1, 2, and 5 under 35 U.S.C. §103.

Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR § 1.75(d)(1) and MPEP § 608.-1(o). The examiner remarked that correction of the following is required:

> Claim 1 recites, "wherein the adjusting means adjusts the Dvoj on a higher priority than the Doffset". There is no proper antecedent basis for the claimed subject matter.

Applicant respectfully disagrees with the examiner's objection. Applicant submits that the specification (e.g., page 5, lines 7-10) clearly supports the aforementioned "wherein" clause. Accordingly, Applicant requests that the examiner withdraw the aforementioned objection to the specification.

Claim Rejections - 35 U.S.C. §112

Claims 1-5 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 1 recites, "wherein the adjusting means adjusts the Dvoj on a higher priority than the Doffset". The examiner's position is that it is not clear what is meant by higher priority than the Doffset.

Applicant respectfully disagrees with the examiner's rejection. Applicant submits that the specification clearly enables the claimed subject matter and that one skilled in the art would **not have to use undue experimentation** to practice the invention. For example, Figure 5 and the related discussion on page 14, lines 8-16 of the specification enable the claimed invention. Accordingly, Applicant requests that the examiner withdraw the aforementioned rejection of claims 1-5 of the claimed invention.

Claim Rejections - 35 U.S.C. §103

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Tonella* (US 5,883,963) in view of *Hermann* (US 6,360,187).

In rejecting this claim, the examiner acknowledged that *Tonella* fails to disclose wherein the adjusting means adjusts the Dvol[j] o a higher priority than the Doffset (microprocessor; 140; Figure 1). However, the examiner asserted that *Hermann* discloses adjusting a volume according to a higher priority (column 3, lines 38-47). Thus, the examiner's position is that it would have

been obvious to modify *Tonella* so that the volume is adjusted according to a higher priority as taught by *Hermann* so that the sound level can be adjust according to a user's preference.

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Tonella* in view of *Hermann* in further view of *Turnbull et al.* (US 6,980,092).

Claim 5 was rejected under 35 U.S.C §103(a) as being unpatentable over *Tonella* in view of *Hermann* in further view of *Mayuzumi* (US 2002/0052182).

Applicant disagrees with the aforementioned rejections of claims 1, 2, and 5 and request that the rejections be withdrawn in view of the following remarks.

Hermann discloses a technology in which the reproduction sound level of high priority messages such as navigation instructions, parking aid signals, and back-up warning signals is controlled based on the average ambient sound level. A sound level calibration table stores information used for controlling a gain controller to ensure that the high priority messages as described above are reproduced at a sound level which is relatively greater than an ambient noise level. In other words, the priority in *Hermann* is in making the sound level of the messages such as the navigation instructions, the parking aid signal, and the back-up warning signals greater than the sound level of other messages.

In *Tonella*, when a user enters a volume level and switches a loudness effect on and off, a total attenuating value corresponding to the volume level is obtained; then a first attenuation value to be assigned to a volume-control unit and a second attenuation value to be assigned to a loudness-control unit are obtained respectively; and the individual attenuation values are notified to the volume-control unit and the loudness-control unit respectively. In this case, a sum of the

first and second attenuation values equals to the total attenuating value. The volume-control unit attenuates an audio signal by the first attenuation value. The loudness-control unit attenuates every component of the audio signal by the second attenuation value when the loudness effect is turned off, and attenuates only high-frequency components of the audio signal by the second attenuation value when the loudness effect is turned on.

Hermann does <u>not</u> disclose that an adjusting means adjusts the Dvol[j] on a **higher priority** than the Doffset. Instead, as explained above, *Hermann* discloses a system in which a "programmable gain for the high priority message is determined using a sound level calibration table." *See* col. 3, lines 8-67. Also, *Hermann* only discusses priority in relation to noise levels (*e.g.,* a high priority message is heard at a higher sound level than the ambient sound level) and not in relation to volume levels and offset values. Neither reference discusses adjusting Dvol on a higher priority than Doffset *so that the electronic volume device can immediately increase or decrease the volume.*

Tonella does <u>not</u> disclose *a means for converting received Dcom[i] into a j-th unique volume level Dvol[j] on a unique scale of M steps (M <N).* *Tonella* is silent with regards to this feature. *See, e.g.,* col. 3, liens 27-30 and Fig. 1.

Thus, a *prima facie* case of obviousness has not been presented because the proposed combination does not teach or suggest all elements of the claimed invention.

Furthermore, even if one were to modify *Tonella* to incorporate the features discussed in *Hermann*, the result would not be the claimed invention. For example, as discussed above, *Tonella* relates to a system that enables a user to set a desired volume level and to switch a

loudness effect on or off. Therefore, the resultant modification, for example, would be a system that increases the volume of "high priority" sources selected by a user.

Accordingly, the obviousness rejection of claim 1 is improper and should be withdrawn. Moreover, the rejections of claims 2 and 5 should likewise be withdrawn in view of dependency from claim 1.

Claim Objections

Claim 5 was objected to because of the following informalities:

Claim 5 recites "The electronic volume device as claimed in any one of claims 1 to 4 wherein the electronic volume device conducts radio communications with the remote controller according to a communication procedure complying with a Blue tooth standard." The Examiner asserts that the radio communication system conducts radio communication complying with a Bluetooth standard, not the electronic volume device (page 9, lines 10-22; Figures 1 and 2). **The Examiner has interpreted the claim as the radio communications system conducts radio communication with the remote controller.** Appropriate correction is required.

Applicant disagrees with the examiner's objection to this claim limitation. The specification clearly supports the limitation as recited in original claim 5 (...*the electronic volume device conducts radio communications with the remote controller according to...a Blue tooth standard.*) See the Background of the Invention (p. 1, lines 5-9) and Detailed Description (pp. 8-9). Accordingly, Applicant requests that the examiner withdraw the aforementioned objection to claim 5.
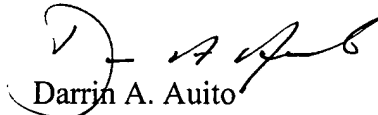
Conclusion

In view of the aforementioned remarks, Applicant submits that the claims are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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